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Legislation to prevent victims of attack from being sued sent to gov

LANSING – Legislation that would prevent a person from being sued by their attacker if the attacker was injured in the person's home is on its way to the governor, said sponsor Sen. Ron Jelinek.

The measure is part of a package that would allow Michigan residents to use deadly force as a method of self-defense if they feel their lives are threatened.

“It is common sense that we should have the right to protect our families and ourselves from intruders without the fear of reprisal,” said Jelinek, R-Three Oaks. “There have been too many cases where the innocent victim was sued because an intruder hurt themselves during some type of home invasion and decided to get even with the homeowner. This ridiculousness needs to stop.”

Jelinek sponsored Senate Bill 1185 which would create immunity from civil liability in cases where deadly force was used for self-defense.

Also, the bill would require the court to award payment of actual and reasonable attorney fees and costs to an individual if the court determines that the use of force was consistent with the new laws.

Currently in Michigan, a person does not have a duty to retreat if assaulted in their own dwelling and can resist the attack, but they may not kill or seriously injure another person just to protect themselves against what seems like a threat of only minor injury.

This new act would allow a person to use deadly force in defending themselves or another person when they honestly and reasonably believe such force is necessary to prevent imminent death, great bodily harm or sexual assault.

The package consists of SBs 1185 and 1046 and House Bills 5142, 5143, 5153 and 5548.

Five other states have passed similar laws -- Florida, Alabama, Mississippi, South Dakota and Indiana.

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